

**Needham Finance Committee  
Minutes of Meeting of April 2, 2014**

The meeting of the Finance Committee was called to order by the Chair, Richard Lunetta, at approximately 7:20 pm at the Town Hall.

Present from the Finance Committee:

Richard Lunetta, Chair; John Connelly, Vice Chair  
Members: Louise Miller, Richard Reilly, Lisa Zappala

Also present:

David Davison, Assistant Town Manager/Finance Director  
Lee Newman, Director of Planning and Community Development  
Bruce Eisenhut, Chair, Planning Board

**Citizen Requests**

There were no requests to address the Committee.

**Approval of Minutes of Prior Meetings**

MOVED: By Mr. Reilly that the minutes of March 12, 2014 be approved as distributed.  
Mr. Connelly seconded the motion. The motion was approved by a vote of 5-0.

MOVED: By Mr. Connelly that the minutes of March 26, 2014 be approved as distributed.  
Mr. Reilly seconded the motion. The motion was approved by a vote of 5-0.

**2014 Annual Town Meeting Draft Warrant Articles**

**Article 18: Amend Zoning By-Law – Medical Marijuana Overlay District**

**Article 19: Amend Zoning By-Law – Map Change to Medical Marijuana Overlay District**

**Article 20: Amend Zoning By-Law – Interim Regulations for Medical Marijuana Uses**

Mr. Eisenhut stated that Articles 18, 19 and 20 set up a medical marijuana overlay district. He stated that the financial implication of the articles may be *de minimus* or not present. Mr. Reilly asked what category a medical marijuana dispensary would fall into if the articles were not adopted. Ms. Zappala stated that the issue is whether the dispensaries would be a retail business or a medical clinic. Mr. Eisenhut stated that at the public hearing, there was a daycare provider that stated that a dispensary near the daycare could discourage business. However, there are counter arguments that there will be no obvious signs from the outside, and that the additional business in the area could bring value. Mr. Lunetta stated that Needham was not chosen as a community where one of the first dispensaries will be located. Ms. Newman stated that the state may allow additional licenses so the Town should be prepared. Mr. Eisenhut stated that he has studied the issue extensively, and feels that the state can expect at most one additional registered marijuana dispensary in the next decade. Ms. Zappala asked whether the Town would have any liability if it does not make a determination of where the dispensaries could be located. Mr.

Eisenhut stated that someone could challenge the determination of the Planning Board if it is not made clear, but he stated that the new by-law could also be challenged for being too restrictive. He concluded that liability is not really an issue. Mr. Eisenhut stated that there are still usage restrictions within the district.

MOVED: By Mr. Reilly that the Finance Committee take no position with respect to 2014 Annual Town Meeting Draft Warrant Article 18: Amend Zoning By-Law – Medical Marijuana Overlay District, Article 19: Amend Zoning By-Law – Map Change to Medical Marijuana Overlay District, and Article 20: Amend Zoning By-Law – Interim Regulations for Medical Marijuana Uses on the grounds that there is no discernible financial impact. Ms. Zappala seconded the motion. The motion was approved by a vote of 5-0.

### **Article 21 – Amend Zoning By-Law – Site Plan Review**

Mr. Eisenhut stated that if Article 21 is adopted, the Design Review Board will have the judgment over facades in the Town Center. The proposal will streamline the process for changing an exterior façade of a building in the downtown area. Since the Design Review Board is not a state-created entity, there must be a process to appeal its decisions. Ms. Newman stated that the Design Review Board currently makes recommendations to the Planning Board, but with this change, the Design Review Board will take the place of the Planning Board in judging the façade. Ms. Newman stated that this change was recommended by the Council of Economic Advisors, which hopes to encourage changes and updates to the façades of buildings. There was discussion whether there was financial impact. Ms. Miller moved that the Committee take no position on the article because there was not a discernible financial impact. Ms. Zappala seconded the motion. Mr. Reilly stated that the article would create a more positive climate for businesses, and that the Committee usually does take a position on this type of change. Ms. Zappala stated that she would support either position. Ms. Miller stated that she would agree to withdraw or amend her motion.

MOVED: By Mr. Reilly that the Finance Committee recommend adoption of Article 21 – Amend Zoning By-Law – Site Plan Review. Mr. Connelly seconded the motion. There was no furtherer discussion. The motion was approved by a vote of 5-0.

### **Article 22 – Amend Zoning By-Law – Off-Street Parking Requirements**

Mr. Eisenhut state that the Planning Board has historically granted parking waivers when parking requirements are different due to a change of use or structural change of a building. This change would streamline the process where there are minor changes of use of a property. Ms. Newman stated that this might occur where there is a change from one use to another use that would require more parking, and the additional need is fewer than 9 spaces. She stated that the zoning calculation is in the by-law. Mr. Eisenhut stated that the safety requirements for parking are still included. Mr. Eisenhut stated that this is essentially codifying the current practice. He stated that the current process does include the benefit of providing some face time with the applicant and the Planning Board which provides an opportunity to suggest changes. Ms. Newman stated that the decision to allow the waiver if the additional parking need is fewer than 9 spaces is based

on historical practice. Mr. Eisenhut stated that the Board tried to find the point at which it was drawing the line. Ms. Newman stated that the Town can still impose conditions if the change in use is significant enough. Mr. Reilly noted that this involves some loss of control for the Planning Board and asked if there is another way to allow more flexibility to have some control without going through the whole waiver process. Mr. Eisenhut stated that there is not a way to do that legally. Mr. Lunetta asked whether the Committee felt there is a financial impact. Mr. Reilly stated that this involves the same reasoning as the last article; the changes within the article will encourage business.

MOVED: By Mr. Connelly that the Finance Committee recommend adoption of Article 22 – Amend Zoning By-Law – Off-Street Parking Requirements. Ms. Zappala seconded the motion. The motion was approved by a vote of 5-0.

### **Article 23 – Amend Zoning By-Law – Indoor Athletic or Exercise Facilities in an Industrial and Industrial-1 District**

Mr. Eisenhut stated that this change would allow another use in the designated area that may be considered desirable. Ms. Newman stated that this use is not allowed under the previous definition. Mr. Eisenhut stated that it was not an intentional policy decision to exclude this use, but it was not included in the allowed uses. Ms. Newman stated that it covers the area where Muzi Ford is, plus the area adjacent to the reservoir. Ms. Zappala stated that it will allow more flexibility in the area to use currently empty buildings. Ms. Eisenhut stated that it will provide more diversity of use.

MOVED: By Ms. Miller that the Finance Committee recommend adoption of Article 23 – Amend Zoning By-Law – Indoor Athletic or Exercise Facilities in an Industrial and Industrial-1 District. Ms. Zappala seconded the motion. The motion was approved by a vote of 5-0.

### **Finance Committee Updates**

Ms. Newman stated that there will be an additional zoning article in the May Special Town Meeting warrant. The article will amend the recently designated solar photovoltaic overlay district to make the border fence discretionary. She stated that the current developer planned to install a fence around the property and no longer wants to do it. Mr. Lunetta asked about vandalism. Ms. Newman stated that the developer owns the equipment, so it bears the risk. Ms. Zappala asked if the deer population could damage the panels. Ms. Newman stated that the developer does not feel the fence is necessary, and wants the flexibility to proceed without a fence. Ms. Miller stated that she would be interested to see the language of the article. Ms. Zappala stated that she would like to know more about liability.

Mr. Davison stated that if the School override passes, it will increase the ceiling of the tax levy. In the first year, the Town must appropriate the funds according to any specific designation in the override.

### **Adjourn**

MOVED: By Mr. Reilly that the Finance Committee meeting be adjourned, there being no further business. Ms. Zappala seconded the motion. The motion was approved by a vote of 5-0, at approximately 7:50 p.m.

Documents: Town of Needham 2014 Annual Town Meeting Warrant, Draft dated 3.21.2014.

Respectfully submitted,

Louise Mizgerd,  
Executive Secretary/Staff Analyst

*Approved April 30, 2014*